

ADJUDICATION OF CLAIMS OF ASSINIBOINE INDIANS BY COURT OF CLAIMS

JANUARY 16, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

Mr. HUDSON, from the Committee on Indian Affairs, submitted the following

REPORT

[To accompany H. R. 7687]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7687) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Page 3, line 6, after the word "suit" insert "and the United States shall be allowed credit for any and all payments including gratuities made to or for the benefit of the Assiniboine Indians."

Page 3, strike out all of section 5 and insert the following:

That upon final determination of any suit or suits instituted under this act the Court of Claims shall have authority to decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys employed by the Indians as herein provided, which fee or fees shall not exceed 10 per cent of any recovery made, and in no case shall they amount in the aggregate to more than \$25,000, together with all necessary and proper expenses incurred in preparation and prosecution of the suit, and shall be paid out of the judgment.

Page 3, line 25, strike out the words "or all persons" and insert in lieu thereof "other tribe or band of Indians."

With the above amendments your committee unanimously recommends this legislation. The Indians are making claim for lands once recognized as belonging to them and never formally relinquished by treaty or agreement. Your committee has given this bill careful consideration and feel as though the Indians should be given the right to present their claim to the Court of Claims.

The report of the Secretary of the Interior on this measure is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1924.

HON. HOMER P. SNYDER,
Chairman Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. SNYDER: This will refer to your letter of April 5, 1924, requesting a report on H. R. 7687 which, if enacted, would authorize the Assiniboiné Indians to submit alleged claims against the United States to the Court of Claims for adjudication.

On September 17, 1851, the treaty referred to in Eleventh Statutes at Large, page 749, and printed in Kappler's Laws and Treaties, volume 2, second edition, page 594, was entered into at Fort Laramie, Wyoming Territory, with the Sioux and other tribes of Indians including the Assiniboinés. The treaty as signed was ratified by the Senate with an amendment changing the annuity provided in article 7 thereof from 50 to 10 years, subject to acceptance by the tribes. The tribes later assented to the amendment, and while the treaty was never formally proclaimed, Congress has recognized it by making appropriations to carry it into effect and the Indians parties thereto have accepted the benefits so provided.

By the treaty mentioned a tract of land in the northeastern part of Montana between the Missouri and Yellowstone Rivers and the forth-seventh and forty-eighth parallels of north latitude, and a small adjoining tract in the present State of North Dakota was recognized as the territory of the Assiniboinés.

By article 4 of the treaty dated October 17, 1855 (11 Stat. L. 657), with the Blackfeet Nation, the Assiniboinés were granted the privilege of hunting in common with the Blackfeet in a territory reserved by the treaty last mentioned as a common hunting ground.

Under the provisions of the act of April 15, 1874 (18 Stat. L. 28), the Assiniboinés who were then residing with the Blackfeet Nation were permitted to make their home on the reservation set aside by this act and allowed to share with the other Indians. Executive order of April 13, 1875, added to the diminished reservation for the Blackfeet Indians, including the Assiniboinés, a large tract in eastern Montana, which by the Fort Laramie treaty of September 17, 1851, supra, had been recognized as belonging in part to the Assiniboinés.

It will be seen that while the Assiniboinés did not formally cede the territory recognized as theirs by the treaty of 1851, they abandoned such territory, joined the Blackfeet Nation, and participated in the benefits secured thereto by the treaty of 1855, by the act of April 15, 1874, and by the agreement of 1887 ratified by the act of May 1, 1888 (25 Stat. L. 129). Since that time they have shared in the lands set apart by the agreement mentioned for the Indians of the Fort Belknap and Fort Peck Reservations, Montana, and the proceeds derived therefrom.

While the Assiniboinés have, as indicated, been provided for on the two reservations last mentioned, equally with the other Indians thereof, they believe that they have just claims against the Government for lands once recognized as belonging to them and never formally relinquished by the treaty or agreement. As the Indians will probably never feel satisfied until this matter is judicially determined this department would have no objection to the enactment of H. R. 7687, provided it be amended as follows:

After the word "Nation," page 3, line 3, strike out all to the end of line 6, page 3, and substitute the following:

"And the United States shall be allowed credit for any and all payments including gratuities made to or for the benefit of the Assiniboiné Indians."

Strike out all of section 5 of the bill and substitute the following:

"That upon final determination of any suit or suits instituted under this act the Court of Claims shall have authority to decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys employed by the Indians as herein provided, which fee or fees shall not exceed 10 per cent of any recovery made, and in no case shall they amount in the aggregate to more than \$25,000, and shall be paid out of the judgement."

Strike out the words "or all persons," in line 25, page 3, and insert in lieu thereof the following: "other tribe or band of Indians."

Very truly yours,

E. C. FINNEY,
Acting Secretary.